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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,848	10/01/2004	Poh Leong Er	1008.P03US/CKM/jcc	4299
George Liu Lawrence Y D Ho & Associates 2101 Crystal Plaza Arc PMB 400 Arlington, VA 22202			EXAMINER WALCZAK, DAVID J	
			ART UNIT 3751	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 01/26/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/509,848

Applicant(s)

ER, POH LEONG

Examiner

David J. Walczak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wuelker. In regard to claim 1, Wuelker discloses a roller applicator comprised of a frustoconically shaped applicator 11 having two opposite ends, a coupling portion 21 disposed at one end and an external surface between the two ends wherein the applicator is rotatable at the coupling portion about a rotary axis, a chamber within the applicator and a absorbable member 25 mounted to the exterior surface. It is noted that statements of intended use, i.e., "A paint roller" and "for storing paint" do not lend any patentable structure to claims. Further, the Wuelker device is capable of storing and dispensing paint should a user so choose to employ the device. In regard to claim 2, a movement coupler 16 is detachably coupled to the coupling portion 21. In regard to claim 3, the movement coupler 16, defines a rotary coupling portion adapted to coact with the coupling portion for rotary movement about the axis (the coupling portion rotates with respect to the applicator). In regard to claim 5, the applicator has a closable inlet 28. In regard to claim 6, the inlet 28 is disposed at one of the ends. In regard to claim 7, the chamber has a permeable portion 27 coupled to the absorbable member 25. In regard to claim 8, the coupling portion is formed at a coupling end. In

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regard to claim 9, the coupling end has a planar cross-section smaller than the planar cross-section of the opposite end. In regard to claim 10, the coupling portion is disposed centrally relative to the planar cross-section of the coupling end. In regard to claim 11, an "abutment member" 29 is mountable to one of the ends.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuelker in view of Baril. In regard to claim 4, although the movement coupler 16 does not pivotal connecting portion which coacts with a pivot mount of a handle, attention is directed to the Baril reference, which discloses another roller applicator wherein the movement coupler 32 includes a pivotal connecting portion 26 which coacts with a pivot mount on a handle 20 in order to enable the roller to pivot with respect to the handle and thereby render the roller more controllable. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such a pivoting handle into the movement coupler 16 of the Wuelker device in order to enable the roller to be more controllable. In regard to claims 12-22, the above discussed combination of the Wuelker and Baril references discloses the claimed structure (as also discussed above).


**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Lapre and Rentfrow references are cited for disclosing other frustoconical paint rollers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huson Gregory can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
David J. Walczak  
Primary Examiner  
Art Unit 3751

DJW  
1/16/07